



United States  
Department of  
Agriculture

Food and  
Nutrition  
Service

Mountain  
Plains  
Region

1244 Speer Boulevard  
Denver, CO 80204

MAY 23 1991

Reply to  
Attn. of:

CACFP-243

Subject: Evaluation of State or Local Licensing and Approval

To:

STATE AGENCY DIRECTORS  
(Special Nutrition Programs)

- Colorado DH, Iowa, Kansas, Missouri DH,  
Montana DHES, Nebraska ED, North Dakota,  
South Dakota, Utah and Wyoming ED

The purpose of this memorandum is to provide guidance for evaluation of licensing and approval procedures in the Child and Adult Care Food Program (CACFP).

An inquiry was recently received regarding the appropriate interpretation of that portion of Section 226.6(d)(3) of the CACFP Regulations that reads "Licensing or approval is not available when (i) no Federal, State or local licensing/approval standards have been established for child care centers, outside-school-hours care centers, or day care homes; or (ii) no mechanism exists to determine compliance with licensing approval standards." Underlying the inquiry was the issue of the responsibilities of State Agencies (SAs) to evaluate State and local licensing and approval procedures in the CACFP.

Under current law and Regulations, SAs are responsible for ensuring that child care centers and day care homes meet State or local licensing or approval criteria. For CACFP purposes, licensing or approval is the process under which a duly authorized governmental entity establishes the criteria under which formal care of children (and adults, where appropriate) may be carried out within a given political jurisdiction. Approval may also be referred to as registration, certification, endorsement, or some other similar name. If licensing or approval is not available; i.e., State and or local officials confirm that such standards do not exist, each SA must establish alternate approval procedures to review information submitted by institutions for centers (children only) or for homes in order to establish eligibility for the Program.

As a general rule, the Agency views licensing and approval of facilities and caregivers as exclusively within the purview of State and local governments and believes that CACFP administrators should only be involved in the establishment and monitoring of licensing or approval to the extent required under the statute; e.g., the administration of alternate approval procedures. This is consistent with the position that the CACFP is primarily a nutrition/food assistance program not responsible for the overall quality of child care. In spite of that, however, implicit in Section 226.6(d)(3) and elsewhere is a responsibility that SAs make determinations as to whether existing licensing or approval procedures contain standards against which some measurement may be made and whether mechanisms exist to determine compliance with licensing/approval standards. In exercising that responsibility, SAs should be guided by the following.

Essentially, licensing and approval is a process under which criteria are established and compliance with those criteria evaluated. We have consistently held that the number and suitability of these criteria are determined by State and/or local officials, as is the appropriate method of monitoring compliance with them. State or local licensing or approval requirements define what is an acceptable care environment pursuant to contemporary State or local standards. Licensing/approval requirements which entail submission of **only** such basic information as name and address would not be acceptable. With regard to compliance with local or State standards, as provided for in Section 226.6(d)(3), licensing or approval procedures must provide for evaluation of a facility against established standards. This evaluation may range from on-site reviews of facilities by licensing/approval officials to a review of a self-certification checklist submitted by a facility operator as to compliance with specific standards as established by State and local licensing/approval officials.

If you feel that you might have a problem with licensing and/or approval in your State, or if you have any questions with regard to the above, contact our CACFP staff at (303) 844-0359.

*Ann C. Hector*

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Regional Director  
Special Nutrition Programs